

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE : Douglas LeCrone, Daniel A. Murphy and Denis Hall  
SERIAL NO. : 10/692,285  
FILED : October 23, 2003  
FOR : Method and Apparatus for Monitoring Update Activity in a Data Storage Facility  
EXAMINER : Emeka Ebirim  
ART UNIT : 2166

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

The owner, EMC Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,662,197. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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1. ☐ For submissions on behalf of an organization (e.g.,

corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

/George A. Herbster/  
Signature

August 3, 2006  
Date

George A. Herbster  
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.